

qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

*Whereas*, the City of Baltimore, Maryland, grantee of Foreign-Trade Zone 74, has made application to the Board for authority to establish a special-purpose subzone at the garlic products manufacturing facility of Tulkoff Food Products, Inc., located in Baltimore, Maryland (FTZ Docket 32-2009, filed 8-3-2009);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (74 FR 40567, 8-12-2009) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that the proposal would be in the public interest if subject to the restrictions listed below;

*Now, therefore*, the Board hereby grants authority for subzone status for activity related to the manufacture of garlic products at the Tulkoff Food Products, Inc., facility located in Baltimore, Maryland (Subzone 74C), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.28, and further subject to the following conditions:

1. All foreign-origin dehydrated garlic admitted to the subzone in foreign status must be re-exported.
2. All foreign-origin dehydrated garlic to be used in production for U.S. consumption must be admitted to the subzone in domestic (duty-paid) status (19 CFR 146.43).

Signed at Washington, DC, this 12th day of January 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

ATTEST:

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2011-1382 Filed 1-24-11; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE 3510-DS-P

### Foreign-Trade Zones Board

[Order No. 1738]

#### Reorganization of Foreign-Trade Zone 22 Under Alternative Site Framework; Chicago, IL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Board adopted the alternative site framework (ASF) in December 2008 (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09; 75 FR 71069-71070, 11/22/10) as an option for the establishment or reorganization of general-purpose zones;

*Whereas*, the Illinois International Port District, grantee of Foreign-Trade Zone 22, submitted an application to the Board (FTZ Docket 33-2010, filed 5/7/2010) for authority to reorganize under the ASF with a service area of Cook, Du Page, Grundy, Kankakee, Kendall, Lake and Will Counties and portions of McHenry and Kane Counties, Illinois, in and adjacent to the Chicago Customs and Border Protection port of entry, FTZ 22's existing Sites 1, 2, 5, 6, 7, 8, 10, 11, 13 and 15 would be categorized as magnet sites, existing Sites 3, 4, 9, 12, 14, 16, 17 and 18 as usage-driven sites, and the grantee proposes one initial usage-driven site (Site 19);

*Whereas*, notice inviting public comment was given in the **Federal Register** (75 FR 27983-27984, 5/19/2010) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 22 under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 2, 5, 6, 7, 8, 10, 11, 13 and 15 if not activated by January 31, 2016, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Sites 3, 4, 9, 12, 14, 16, 17, 18 and 19 if no foreign-

status merchandise is admitted for a *bona fide* customs purpose by January 31, 2014.

Signed at Washington, DC, this 12 day of January 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2011-1389 Filed 1-24-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-827]

#### Certain Cased Pencils From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On January 3, 2011, the United States Court of International Trade ("CIT") sustained in an unpublished judgment the Department of Commerce's ("the Department") results of redetermination as applied to respondents China First Pencil Co., Ltd. ("China First") and Shanghai Three Star Stationery Industry Corp. ("Three Star") and separate rate company Orient International Holding Shanghai Foreign Trade Co., Ltd. ("SFTC") pursuant to the CIT's remand order in *China First Pencil Co., Ltd. v. United States*, 721 F. Supp. 2d 1369 (Ct. Int'l Trade 2010) ("*China First*"). See Final Results of Redetermination Pursuant to Remand, Court No. 09-00325, dated December 20, 2010, available at <http://ia.ita.doc.gov/remands> ("Remand Results"); *China First Pencil Co., Ltd. v. United States*, Court No. 09-00325 (Ct. Int'l Trade January 3, 2011) (judgment). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*,—F.3d—Court No. 2010-1024, -1090 (Fed. Cir. December 9, 2010) ("*Diamond Sawblades*"), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final determination and is amending the final results of the administrative review of

the antidumping duty order on certain cased pencils (“pencils”) from the People’s Republic of China covering the period of review (“POR”) of December 1, 2006, through November 30, 2007 with respect to China First, Three Star, and SFTC. See *Certain Cased Pencils from the People’s Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 74 FR 33406 (July 13, 2009) (“*Final Results*”), and accompanying Issues and Decision Memorandum (“I&D Memorandum”), as amended by *Certain Cased Pencils from the People’s Republic of China: Amended Final Results of Antidumping Duty Administrative Review*, 74 FR 45177 (September 1, 2009).

**DATES:** *Effective Date:* January 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Alexander Montoro or Nancy Decker, AD/CVD Operations, Office 1, Import Administration—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0238 or (202) 482–0196.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 13, 2009, the Department published its *Final Results*. In the *Final Results*, the Department valued lindenwood pencil slats used by respondents China First, Three Star, and Shandong Rongxin Import & Export Co., Ltd. (“Rongxin”), with publicly available, published U.S. prices for American basswood lumber.<sup>1</sup> In *China First*, the CIT determined that the Department’s surrogate value for pencils slats used in the *Final Results* was unsupported by substantial evidence and was not in accordance with law. The CIT remanded the Department to recalculate a surrogate value for pencil slats using data from “Paper and Stationery,” an Indian trade publication. See *China First*, 721 F. Supp. 2d at 1375–77.

Moreover, in the *Final Results*, the Department valued black and color cores for China First, Three Star, and Rongxin using World Trade Atlas data.<sup>2</sup> In *China First*, the CIT determined that the Department’s surrogate value for cores used in the *Final Results* was

unsupported by substantial evidence and was not in accordance with law. The CIT remanded to the Department to identify separate surrogate values, supported by substantial evidence on the record, for black cores, color cores, thick black cores, and thick color cores. See *China First*, 721 F. Supp. 2d at 1379–1380.

Additionally, in the *Final Results*, the Department calculated a surrogate wage value in accordance with the regression-based methodology set forth in 19 CFR 351.408(c)(3).<sup>3</sup> In *Dorbest Ltd. v. United States*, 604 F.3d 1363 (Fed. Cir. 2010) (“*Dorbest*”), the CAFC held that the Department’s “{regression-based} method for calculating wage rates {as stipulated by 19 CFR 351.408(c)(3)} uses data not permitted by {the statutory requirements laid out in section 773 of the Tariff Act of 1930, as amended (“the Act”) (i.e. 19 U.S.C. 1677b(c))}.” *Dorbest*, 604 F.3d at 1372. Specifically, the CAFC interpreted section 773(c) of the Act to require the use of data from market economy countries that are both economically comparable to the non-market economy country at issue and significant producers of the subject merchandise, unless such data are unavailable. Because the Department’s regulation requires the Department to use data from economically dissimilar countries and from countries that do not produce comparable merchandise, the CAFC invalidated the Department’s labor regulation at 19 CFR 351.408(c)(3). Following *Dorbest*, the Department requested a voluntary remand for its wage rate calculations for China First, Three Star, and Rongxin in the *Final Results*. The CIT granted that request and in *China First* remanded the *Final Results* with instructions that the labor wage value be recalculated in accordance with the decision in *Dorbest*. See *China First*, 721 F. Supp. 2d at 1373.

On December 20, 2010, the Department issued its final results of redetermination pursuant to *China First*. Pursuant to the *Dorbest* ruling and the remand in *China First*, we revised the wage rate calculation methodology to comply with the CAFC’s interpretation of section 773 of the Act and have recalculated the pencil slats and cores surrogate values using prices from “Paper and Stationery.” The

Department’s redetermination resulted in changes to the *Final Results* for China First’s margin from 10.41 percent to 1.13 percent; for Three Star’s margin from 59.62 percent to 3.06 percent; and for Rongxin’s margin from 11.48 percent to 1.55 percent. Based on these revisions, the margin of SFTC has been revised from 32.21 percent to 1.66 percent. The CIT sustained the Department’s remand redetermination with respect to China First, Three Star, and SFTC on January 3, 2011. See *China First Pencil Co., Ltd. v. United States*, Court No. 09–00325 (Ct. Int’l Trade January 3, 2011) (judgment). The CIT has not yet ruled on the Department’s remand redetermination with respect to Rongxin.

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s January 3, 2011 judgment sustaining the Department’s remand redetermination with respect to China First, Three Star, and SFTC constitutes a final decision of that court that is not in harmony with the Department’s *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the company-specific rate established for the subsequent and most recent period during which the respondents were reviewed. See *Certain Cased Pencils From the People’s Republic of China: Final Results of the Antidumping Duty Administrative Review*, 75 FR 38980 (July 7, 2010).

**Amended Final Results**

Because there is now a final court decision with respect to China First, Three Star, and SFTC, revised dumping margins are as follows:

Manufacturer/Exporter	Margin (percent)
China First Pencil Company, Ltd. (which includes subsidiaries Shanghai First Writing Instrument Co., Ltd.; Shanghai Great Wall Pencil Co., Ltd.; and China First Pencil Fang Zheng Co., Ltd.) .....	1.13

<sup>1</sup> See *Final Results* and accompanying I&D Memorandum at Comment 4a.

<sup>2</sup> See *Final Results* and accompanying I&D Memorandum at Comment 4b.

<sup>3</sup> See *Final Results* and accompanying I&D Memorandum at Comment 3.

Manufacturer/Exporter	Margin (percent)
Shanghai Three Star Stationery Industry Co., Ltd .....	3.06
Orient International Holding Shanghai Foreign Trade Corporation .....	1.66

In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from China First, Three Star, and SFTC based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: January 11, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011-1398 Filed 1-24-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

#### **Certain Preserved Mushrooms From the People's Republic of China; Extension of Time Limit for Final Results of Antidumping Duty New Shipper Reviews**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* January 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** Scott Hoefke or Fred Baker, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4947 or (202) 482-2924, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 31, 2010, the Department of Commerce (the Department) published in the **Federal Register** the initiation of two new shipper reviews (NSRs) of the antidumping duty order on certain preserved mushrooms from the People's Republic of China, covering the period of February 1, 2009, to January 31, 2010. See *Certain Preserved Mushrooms From the People's Republic of China: Notice of Initiation of Antidumping Duty New Shipper Reviews*, 75 FR 16075 (March 31, 2010). On October 29, 2010, the Department published in the **Federal**

**Register** the preliminary results for the NSRs. See *Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Reviews*, 75 FR 66729 (October 29, 2010). The current deadline for the final results of these reviews is January 20, 2011. These reviews cover Shandong Fengyu Edible Fungus Co., Ltd. and Zhangzhou Tongfa Foods Industry Co., Ltd.

#### **Extension of Time Limits for Preliminary Results of Review**

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(i)(1), require the Department to complete the final results of an NSR of an antidumping duty order within 90 days after the date on which the preliminary results were issued. However, the Department may extend the deadline for completion of the final results of an NSR to 150 days if it determines the case is extraordinarily complicated. See section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

The Department finds these NSRs are extraordinarily complicated and, therefore, it requires additional time to complete the preliminary results. Specifically, the Department requires additional time to analyze the extensive entry and sales documentation for the two respondents, and various issues that arise from these documents. Accordingly, the Department is extending the time limit for completion of the preliminary results of these NSRs by 60 days (*i.e.*, until March 21, 2011).

This extension is issued and published in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

Dated: January 14, 2011.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2011-1399 Filed 1-24-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-913]

#### **New Pneumatic Off-the-Road Tires From the People's Republic of China: Extension of Time Limit for Final Results of Countervailing Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* January 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** Andrew Huston or Jun Jack Zhao, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4261 and (202) 482-1396, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 19, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the countervailing duty order on certain new pneumatic off-the-road tires from the People's Republic of China. See *New Pneumatic Off-the-Road Tires From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review*, 75 FR 64268 (October 19, 2010) (*Preliminary Results*). This administrative review covers the period December 17, 2007, through December 31, 2008. The current deadline for the final results of review is February 16, 2011.

#### **Extension of Time Limit for Final Results**

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(1), the Department shall issue final results in an administrative review of a countervailing duty order within 120 days after the date on which notice of the preliminary results were published in the **Federal Register**. However, if the Department determines that it is not practicable to complete the review within the aforementioned specified time limits, section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2) allow the